

COMMUNITY AFFAIRS
Division Of Codes And Standards
Uniform Construction Code

Special Inspector Certification

Proposed Amendments: N.J.A.C. 5:23-2.20, 3.14, 5.3, 5.4, 5.21, 5.22

Proposed New Rules: N.J.A.C. 5:23-5.19G and 5.23B

Authorized by: Charles A. Richman, Acting Commissioner, Department of Community
Affairs

Authority: N.J.S.A. 52:27D-124

Calendar: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2005-

Submit written comments by March 4, 2006 to:

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Charles A. Richman, Acting Commissioner

The agency proposal follows:

Summary

At N.J.A.C. 5:23-2.20(b), the Uniform Construction Code (UCC) requires qualified individuals (special inspectors) to independently verify that certain work in Class I buildings has been completed in accordance with Chapter 17 of the building subcode, entitled "Structural Tests and Special Inspections." This involves certain components of construction that are critical to the long-term safety of the building, including, but not limited to, welding and high strength bolts in structural steel, concrete footings and structural members, masonry construction, site soil conditions and the placement of fill and pile foundations. As stated above, the rules currently require that these aspects of construction in Class I (large and complex) buildings be witnessed, but the rules do not address the qualifications of these special inspectors. It is essential that the people witnessing those inspections be qualified to do so. Because of the nature of this work, these qualifications go beyond what might reasonably be expected or required of the average building inspector. Similar requirements for special inspector licensing are common in other parts of the country. And the International Codes Council has a testing program available for special inspectors.

A section-by-section summary of the proposal follows:

1. At N.J.A.C. 5:23-2.20, entitled "Tests and special inspections," the proposed amendments would require that special inspectors be certified in a specific area of

construction. In addition, the proposed amendments would require that New Jersey licensed professional engineers supervise special inspections for soil conditions and pile foundations.

2. At N.J.A.C. 5:23-3.14(b)15ii, entitled “Building subcode,” the proposed amendment would require that special inspections for Class I buildings be performed by certified individuals. At N.J.A.C. 5:23-3.14(b)15iv, the proposed amendment would insert new Section 1703.1.4 of the building subcode, entitled “Certification,” to require that approved agencies employ personnel who are certified to conduct, supervise, and evaluate tests or inspections.

3. At N.J.A.C. 5:23-5.3(a)4, the proposed amendments list the categories of special inspectors as follows: structural steel and welding special inspector, concrete special inspector, structural masonry special inspector, spray-applied fireproofing special inspector, and exterior insulation finish system special inspector.

4. At N.J.A.C. 5:23-5.4, the proposed amendments would provide that special inspectors are required to be certified in accordance with the administrative provisions of the Uniform Construction Code within one year from the date of adoption. In addition, the proposed amendments would provide that individuals must be certified to perform special inspections for a specific area of construction.

5. New section N.J.A.C. 5:23-5.19G, entitled “Special inspector requirements,” would require that applicants who wish to be certified as special inspectors meet the applicable experience and education requirements. In addition, the proposed new rule would provide that licensure as a professional engineer may be accepted in lieu of the experience, education, and examination requirements provided the licensee has field experience in the specific area of construction for which the special inspector certification is being sought.

6. At N.J.A.C. 5:23-5.21, the proposed amendments would revise the title of the section to “Renewal of license or certification” and would require that applicants for special inspector certification renewal obtain a minimum of .5 Continuing Education Units (CEUs). In addition, the proposed amendments would include an exception to the CEU requirement for individuals who are licensed as professional engineers.

7. At N.J.A.C. 5:23-5.22, entitled “Fees,” the proposed amendment would require a non-refundable application fee of \$65.00 for the special inspector certification.

8. New section N.J.A.C. 5:23-5.23B, entitled “Examination requirements for special inspectors,” would list the required examinations for applicants who wish to obtain the special inspector certification. Applicants may access the exams on the websites for the International Code Council, the Association of Wall and Ceiling Industries, and the Exterior Design Institute.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is exempt from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

By establishing certification requirements for special inspectors, the proposed amendments would ensure that special inspectors are qualified to verify that certain work in Class I buildings has been completed in accordance with the UCC. In addition, the proposed amendments would have a positive social impact by promoting a more uniform and consistent enforcement of the UCC.

Economic Impact

The Department anticipates that the proposed amendments and new rules would have a positive economic impact on special inspectors who obtain the special inspector certification by the effective date of the requirements and a negative economic impact on those special inspectors who do not.

Jobs Impact

The Department does not anticipate that any jobs would be created or lost as a result of the proposed amendments.

Agriculture Industry Impact

The Department does not anticipate that the proposed amendments would have any impact on the agriculture industry.

Regulatory Flexibility Analysis

Some special inspectors who would be affected by the proposed amendments might be considered "small businesses" as defined by the Regulatory Flexibility Act at N.J.S.A. 52:14B-16 et seq. Although the proposed amendments and new rules would establish certification requirements for special inspectors, they do not otherwise impose recordkeeping, reporting, or compliance requirements or require additional professional services for the businesses.

Smart Growth Impact

The Department does not anticipate that the proposed amendments would have any impact upon either the achievement of "smart growth" or implementation of the State Development and Redevelopment Plan.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

5:23-2.20 Tests and special inspections

(a) (No change.)

(b) All special inspections, as provided in the building subcode, shall apply to Class I buildings. A special inspector shall be independent of the contractor and shall be responsible to the building owner or building owner's agent. **Special inspectors shall be certified in the appropriate specialty.**

1. Special inspections for soil conditions and pile foundations shall be performed under the direct supervision of a New Jersey licensed engineer.

(c) - (e) (No change.)

5:23-3.14 Building Subcode

(a) (No change.)

(b) The following chapters of the building subcode are modified as follows:

1. - 14. (No change.)

15. Chapter 17, Structural Tests and Special Inspections, shall be amended as follows:

i. (No change.)

ii. Section 1702.1, General, shall be amended as follows:

In the title, "/Special Inspector" shall be inserted after "Agency." In the first sentence, "or design professional acting as the approved agency" shall be inserted after "agency." **At the end of the definition add the sentence,**

“Special inspectors shall be certified in accordance with the administrative provisions of the Uniform Construction Code.”

iii. (No change.)

iv. Add new section 1703.1.4 as follows:

1703.1.4 Certification. An approved agency shall employ personnel certified in accordance with the administrative provisions of the Uniform Construction Code, to conduct, supervise and evaluate tests or inspections.

5:23-5.3 Types of licenses

(a) Rules concerning code enforcement licensure categories are:

1. - 3. (No change.)

4. Special inspector certifications: Subject to the requirements of this subchapter, persons may apply for and may be certified in the following specialties:

i. Structural steel and welding special inspector: Structural steel and welding special inspectors are authorized to carry out field inspections pursuant to section 1704.3 of the building subcode.

ii Concrete special inspector: Concrete special inspectors are authorized to carry out field inspections pursuant to section 1704.4 of the building subcode.

iii. Structural masonry special inspector: Structural masonry special inspectors are authorized to carry out field inspections pursuant to section 1704.5 of the building subcode.

iv. Spray-applied fireproofing special inspector: Spray-applied fireproofing special inspectors are authorized to carry out field inspections pursuant to section 1704.11 of the building subcode.

v. Exterior insulation finish system (EIFS) special inspector: EIFS special inspectors are authorized to carry out field inspections pursuant to section 1704.12 of the building subcode.

5:23-5.4 Licenses required

(a) - (e) (No change.)

(f) Effective [insert date—one year from date of adoption], special inspectors shall be certified in accordance with the administrative provisions of the Uniform Construction Code. No person shall act as a special inspector to enforce any provision of the building subcode for which this chapter has established a certification requirement unless that person has received the certification required by these rules for that specialty.

Redesignate (f) as (g) (No change in text.)

5:23-5.19G Special Inspector requirements

(a) A candidate for a structural steel and welding special inspector certification, concrete special inspector certification, or structural masonry special inspector certification shall meet one of the following educational or experience requirements:

1. Graduation from an accredited institution of higher learning with an associates degree (2 years) in engineering or in engineering technology, or in any

other major area of study significantly related to structural engineering; and two years of experience in a skilled trade directly related to the specific specialty; or

2. Possession of a current New Jersey license as an engineer.

(b) A candidate for a spray-applied fireproofing special inspector certification shall meet one of the following educational or experience requirements:

1. Graduation from an accredited institution of higher learning with an associates degree (2 years) in architecture or engineering or in architecture technology or engineering technology, or in any other major area of study significantly related to fire protection; and two years of experience in a skilled trade directly related to the specific specialty; or

2. Possession of a current New Jersey license as an engineer; or

3. Licensed as a building inspector with a specialty in high-rise and high hazard structures (H.H.S.) or as a fire protection inspector H.H.S.

(c) A candidate for an exterior insulation finish system (EIFS) special inspector certification shall meet one of the following educational or experience requirements:

1. Graduation from an accredited institution of higher learning with an associates degree (2 years) in architecture or engineering or in architecture technology or engineering technology, or in any other major area of study significantly related to fire protection; and two years of experience in a skilled trade directly related to the specific specialty; or

2. Possession of a current New Jersey license as an engineer; or

3. Licensed as a building inspector with a specialty in high-rise and high hazard structures (H.H.S.).

(d) A candidate for a special inspectors certification shall also meet the following requirement:

1. Successful completion of an examination as required by N.J.A.C. 5:23-5.23B where applicable; or

2. Possession of a current New Jersey license as an engineer with experience in the field for which special inspection certification is being sought.

5:23-5.21 Renewal of License or Certification

(a) – (c) (No change.)

(d) Continuing education requirements are as follows:

1. The following continuing education requirements are based upon the type(s) of license(s) held, and not upon employment positions held. Continuing Education Units (CEUs) will be subject to approval by the Bureau of Code Services. One CEU equals 10 contact hours. CEUs will be awarded both for technical and for administrative licenses.

i. – iii. (No change.)

iv. Special inspector Certifications - .5 CEU Technical

(1) No CEUs are required for certification renewal of special inspectors that are in possession of a current New Jersey license as an engineer.

2. – 6. (No change.)

(e) – (g) (No change.)

5:23-5.22 Fees

(a) No application for a license shall be acted upon unless said application is accompanied by a non-refundable fee as specified herein.

1. A non-refundable application fee of \$65.00 shall be charged in each of the following instances:

i. – iii. (No change.)

iv. Application for Special Inspector certification.

5:23-5.23B Examination requirements for special inspectors

(a) Applicants for certification as special inspectors shall demonstrate competence by successful completion of the relevant examinations of the International Code Council. Requirements for specific certifications are as follows:

i. Examination requirements for reinforced concrete special inspector: Successful completion of reinforced concrete special inspectors examination and the prestressed concrete special inspectors examination.

ii. Examination requirements for structural masonry special inspector: Successful completion of structural masonry special inspectors examination

.iii. Examination requirements for structural steel and welding special inspector: Successful completion of structural steel and welding special inspectors examination.

iv. Examination requirements for spray-applied fireproofing special inspector: Successful completion of spray-applied fireproofing special inspectors examination.

v. Examination requirements for Exterior Insulation Finish System special inspector: Certification in the EIFS inspection Program of the Association of the Wall and Ceiling Industries (AWCI) or a Certified EIFS inspector by the Exterior Design Institute.